

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on March 24, 2005 at 7:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Bill E. Glaser (R)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Verdell Jackson (R)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Walter McNutt (R)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. Jon C. Sesso (D)
Rep. John Sinrud (R)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Marcy McLean, Committee Secretary
Jon Moe, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: HB 713; HB 740; HB 499; HB 204; HB
173; HB 791; HB 589; HB 650; HB
715; HB 417; HB 768; HB 698; HB
433; HB 243; HB 374

EXECUTIVE ACTION ON HB 713

Motion: REP. FRANKLIN moved that HB 713 DO PASS.

Motion: REP. FRANKLIN moved that HB 713 BE AMENDED.

[EXHIBIT](#)(aph65a01)

[EXHIBIT](#)(aph65a02)

[EXHIBIT](#)(aph65a03)

Discussion:

REP. FRANKLIN explained that the BRAC is looking not just at Malmstrom Air Force Base, but also the National Guard installations throughout Montana. The first round of identifying military installations targeted for closure will come out in May. If Montana is not on the list, she said, "Then we will work to bring those targeted missions to Montana." She said the amendment would change the \$1 million appropriations to \$250,000.

Vote: Motion carried unanimously by voice vote.

Motion: REP. FRANKLIN moved that HB 713 DO PASS AS AMENDED.

Discussion:

CHAIRMAN BUZZAS said that she would be voting against the bill because she thinks Montana's congressional delegation should be doing this type of work. She said the \$250,000 could be spent on a lot of other State issues, whereas, private groups are already raising money to address this military issue.

Substitute Motion/Vote: REP. JAYNE made a substitute motion that HB 713 BE TABLED. Substitute motion failed 7-13 by roll call vote with REP. BUZZAS, REP. HAWK, REP. JACKSON, REP. JAYNE, REP. MORGAN, REP. SINRUD, and REP. WELLS voting aye. REP. HINER voted by proxy.

Vote: Motion carried 15-5 by voice vote with REP. BUZZAS, REP. HAWK, REP. JAYNE, REP. MORGAN, and REP. SINRUD voting no.

EXECUTIVE ACTION ON HB 740

Motion: REP. SINRUD moved that HB 740 DO PASS.

Discussion:

REP. SINRUD asked that the Committee reconsider their actions on HB 740, which deals with the asbestos-related medical problems in Libby.

Vote: Motion carried unanimously by voice vote. REP. HINER voted by proxy.

NOTE: Committee previously decided that unamended bills that pass unanimously will be placed on Consent Calendar.

EXECUTIVE ACTION ON HB 499

Motion: REP. SESSO moved that HB 499 DO PASS.

Motion: REP. SESSO moved that HB 499 BE AMENDED.

[EXHIBIT](#)(aph65a04)

[EXHIBIT](#)(aph65a05)

Discussion:

REP. SESSO said that appropriating money through the Coal Board for rebuilding a section of the Sarpy Creek Road is exactly what the Coal Board is established to do. He said that the amendment deals with the Committee's concern about this project taking money away from the library, conservation districts and agriculture project. The amendment conveys that instead of taking money from these projects, this group must submit a grant application directly to the Coal Board.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 20.8}

REP. RIPLEY said that he thought this group should have gone directly to the Coal Board in the first place. He said that until the group takes the initiative on their own, the Committee should not be directing the Coal Board to award this grant.

REP. JAYNE said that the concern was that this money would come from the Coal Board's Shared Account. REP. SESSO responded that the amendment addressed that concern, because it comes from the line item allocated to the Coal Board and protects the other three programs that get their funding from the Shared Account.

The amendment tells the Coal Board to spend \$1.1 million of their money, which is allocated on HB 2, on this road project.

REP. MCNUTT said this money would be coming from the Impact Grant Fund within the Shared Account Fund. There is currently a list of projects that have been waiting many years that they are considering funding. He said he didn't think it was right for the Committee to push this road project ahead of these projects.

REP. GLASER said that he would not support the amendment, nor the bill, because he thinks the people of Big Horn County have been treated very well by the Coal Board in the past.

Vote: Motion failed 11-9 by voice vote. Reps. voting "no" were not identified.

REP. SESSO withdrew his motion to DO PASS HB 499 without objection.

Motion/Vote: **REP. MORGAN** moved that HB 499 BE TABLED. Motion carried 13-7 by roll call vote with **REP. BUZZAS**, **REP. FRANKLIN**, **REP. HINER**, **REP. JAYNE**, **REP. JUNEAU**, **REP. MUSGROVE**, and **REP. SESSO** voting no. **REP. HINER** voted by proxy.

EXECUTIVE ACTION ON HB 204

Motion/Vote: **REP. WITT** moved that HB 204 DO PASS. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 173

Motion: **REP. JACKSON** moved that HB 173 DO PASS.

Discussion:

REP. JACKSON said that these search and rescue funds have a zero impact on the General Fund.

CHAIRMAN BUZZAS said that it has a \$200,000 impact on the budget cap because it comes from the State Special Revenue Account.

***{Tape: 1; Side: A; Approx. Time Counter: 20.8 - 32.6; Comments:
End of Side A}***

REP. WELLS said that this fund is zeroed out as of July 1st of every year and then they have to start the accumulation of funds all over again. This causes a problem when they need funds.

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 791

Motion: REP. JUNEAU moved that HB 791 DO PASS.

Discussion:

REP. JUNEAU said that this bill would fund \$7.5 million for Indian Education for All. She asked that they pass it out of Committee so the House and Senate could consider it in total school funding.

REP. FRANKLIN clarified that there is already \$1.4 million in the budget, so this bill would increase the funding by \$6.1 million.

REP. MORGAN said that in addition to the \$1.4 million, there is also \$2.0 million allocated to the Office of Public Instruction (OPI). **REP. JUNEAU** explained that there is \$2.0 million in HB 2 that is in the Governor's Budget. The Education Subcommittee approved an additional \$1.4 million, which also is in HB 2. This bill is requesting an additional \$6.1 million in General Fund money. The OPI has budgeted the \$2.0 million to pay for staff to do implementation work at the state level, such as developing curriculum, website, etc.

Motion/Vote: REP. JUNEAU moved a CONCEPTUAL AMENDMENT BE ADOPTED to change the appropriation from \$7.5 million to \$6.1 million.
Motion carried unanimously by voice vote.

REP. RIPLEY said that his notes show \$2.2 million going to OPI, plus the \$7.5 million appropriated in this bill, for a total of \$9.7 million.

REP. FRANKLIN explained that the language of this bill would subtract what is already budgeted in HB 2, which is \$2.2 million for OPI and the \$1.1 million that is going directly to the schools. The OPI's money is for long-term strategic planning. This additional \$6.1 million would be allocated directly to the schools, in addition to the \$1.1 million already appropriated.

Vote: Motion carried 11-9 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MCNUTT, REP. MORGAN, REP. SINRUD, REP. TAYLOR, and REP. WELLS voting no.

EXECUTIVE ACTION ON HB 589

Motion/Vote: REP. WITT moved that HB 589 BE TABLED. Motion carried 19-1 by voice vote with REP. MUSGROVE voting no.

EXECUTIVE ACTION ON HB 650

Motion/Vote: REP. SINRUD moved that HB 650 BE TABLED. Motion carried 18-2 by voice vote with REP. BUZZAS and REP. MUSGROVE voting no.

EXECUTIVE ACTION ON HB 768

Motion: REP. BUZZAS moved that HB 768 DO PASS.

Discussion:

REP. WELLS said that the Seeley Lake request presented to the Long Range Planning subcommittee was for assisting a development, and the subcommittee did not approve it.

CHAIRMAN BUZZAS said that she thought a portion of it was funded because REP. HAMILTON discussed it with her. She clarified that HB 768 is to fund an engineering study.

REP. WELLS said the \$100,000 request in HB 6 was for a Seeley Lake sewer project. The \$150,000 requested in this bill is for an engineering study because their ground water has been adversely affected.

REP. SESSO said that there are other grants available to do this type of study, and said he does not think there should be a General Fund appropriation for this purpose.

Substitute Motion/Vote: REP. RIPLEY made a substitute motion that HB 768 BE TABLED. Substitute motion carried 14-6 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. JAYNE, REP. KAUFMANN, REP. MUSGROVE, and REP. TAYLOR voting no.

EXECUTIVE ACTION ON HB 715

Motion/Vote: REP. MORGAN moved that HB 715 DO PASS. Motion carried 13-7 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, and REP. WELLS voting no. REP. BUZZAS voted by proxy.

EXECUTIVE ACTION ON HB 417

Motion: REP. HINER moved that HB 417 DO PASS.

Motion/Vote: REP. HINER moved that HB 417 BE AMENDED. Motion carried 15-5 by voice vote with REP. HAWK, REP. MCNUTT, REP. RIPLEY, REP. SINRUD, and REP. WELLS voting no.
[EXHIBIT](#)(aph65a06)

Motion: REP. HINER moved that HB 417 BE AMENDED.
[EXHIBIT](#)(aph65a07)

Discussion:

REP. HINER said that this amendment would void HB 417 if HB 771 is not passed.

Vote: Motion failed 10-10 by voice vote. Reps. voting "aye" were not identified.

Motion/Vote: REP. HINER moved that HB 417 DO PASS AS AMENDED. Motion failed 9-11 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. GLASER, REP. HINER, REP. LENHART, REP. MORGAN, REP. MUSGROVE, and REP. SESSO voting aye.

Motion/Vote: REP. SINRUD moved that HB 417 BE TABLED AND THE VOTE REVERSED. Motion carried 11-9 by voice vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. GLASER, REP. HINER, REP. LENHART, REP. MORGAN, REP. MUSGROVE, and REP. SESSO voting no.

EXECUTIVE ACTION ON HB 698

Motion: REP. JACKSON moved that HB 698 DO PASS.

Discussion:

REP. JACKSON said that this bill would establish a fund for donations for a warm water fishery, plus allocate some start-up money.

REP. JUNEAU said that the Fiscal Note states that it will take 100 hours of contracted services at \$100 per hour. She said that she thought that was too expensive and she would be voting against the bill.

REP. MCNUTT said that Fish, Wildlife and Parks gave testimony that the Fiscal Note was incorrect. They are assuming their own project and the expenses would not occur. He said that it was necessary to get a warm water fishery in place in order to mitigate the conflict between cold water and warm water fishermen. Warm water fisheries mean economic development in eastern Montana.

REP. WELLS said that warm water fishing, such as walleye tournaments, involves a lot of big spenders. He said that warm water fishing means economic development for Montana.

REP. RIPLEY said that he is concerned that the bill doesn't identify the funding source for the program changes.

Vote: Motion failed 10-10 by roll call vote with **REP. GLASER**, **REP. JACKSON**, **REP. LENHART**, **REP. MCNUTT**, **REP. MORGAN**, **REP. RIPLEY**, **REP. SINRUD**, **REP. TAYLOR**, and **REP. WELLS** voting aye. **REP. MUSGROVE** voted by proxy.

EXECUTIVE ACTION ON HB 433

Motion: **REP. BUZZAS** moved that HB 433 DO PASS.

Substitute Motion/Vote: **REP. KAUFMANN** made a substitute motion that HB 433 BE TABLED. Substitute motion carried 14-6 by roll call vote with **REP. MCNUTT**, **REP. MORGAN**, **REP. RIPLEY**, **REP. SINRUD**, **REP. TAYLOR**, and **REP. WELLS** voting no. **REP. MUSGROVE** voted by proxy.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 32.6; Comments: End of Tape 1}

EXECUTIVE ACTION ON HB 243

Motion: REP. MORGAN moved that HB 243 BE TABLED.

Vote: Motion carried 17-3 by roll call vote with REP. BUZZAS, REP. JACKSON, and REP. SESSO voting no. REP. MUSGROVE voted by proxy.

EXECUTIVE ACTION ON HB 374

Motion/Vote: REP. RIPLEY moved that HB 374 BE TABLED. Motion carried 13-7 by roll call vote with REP. BUZZAS, REP. HINER, REP. JUNEAU, REP. LENHART, REP. MUSGROVE, REP. SESSO, and REP. WELLS voting no. REP. MUSGROVE voted by proxy.

ADJOURNMENT

Adjournment: 8:30 A.M.

REP. ROSALIE (ROSIE) BUZZAS, Chairman

MARCY MCLEAN, Secretary

RB/mm

Additional Exhibits:

EXHIBIT ([aph65aad0.PDF](#))